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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 JOHN ANTHONY MILLER,  
15 Defendant.

Case No. 2:23-cr-00221-JAD-DJA

**STIPULATION TO CONTINUE**  
**MOTION DEADLINES**  
(Second Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
18 United States Attorney, and Jacob Haile Operskalski, Assistant United States Attorney, counsel  
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and Rick  
20 Mula, Assistant Federal Public Defender, counsel for John Anthony Miller, that the parties  
21 herein shall have to and including March 28, 2024, to file any and all pretrial motions and  
22 notices of defense.

23 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
24 shall have to and including April 11, 2024, to file any and all responsive pleadings.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they  
26 shall have to and including April 18, 2024, to file any and all replies to dispositive motions.

The Stipulation is entered into for the following reasons:

1           1.       The parties attempted to negotiate a protective order, and have instead  
2 determined that the remaining discovery will be sent with significant redactions of personal  
3 identifiable information. Those redactions are still being completed.

4           2.       Counsel for the defendant needs additional time to conduct investigation in this  
5 case in order to determine whether there are any pretrial issues that must be litigated and  
6 whether the case will ultimately go to trial or will be resolved through negotiations.

7           3.       The defendant is incarcerated and does not object to the continuance.

8           4.       The parties agree to the continuance.

9           5.       The additional time requested herein is not sought for purposes of delay, but  
10 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
11 complete investigation of the discovery materials once provided.

12           6.       Additionally, denial of this request for continuance could result in a miscarriage  
13 of justice. The additional time requested by this Stipulation is excludable in computing the time  
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
15 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
16 Section 3161(h)(7)(B)(i), (iv).

17           This is the second stipulation to continue filed herein.

18           DATED this 27th day of February, 2024.

19           RENE L. VALLADARES  
20           Federal Public Defender

            JASON M. FRIERSON  
            United States Attorney

21           By /s/ Rick Mula

            By /s/ Jacob Haile Operskalski

22           RICK MULA  
            Assistant Federal Public Defender

            JACOB HAILE OPERSKALSKI  
            Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JOHN ANTHONY MILLER,

7 Defendant.

Case No. 2:23-cr-00221-JAD-DJA

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. The parties attempted to negotiate a protective order, and have instead  
14 determined that the remaining discovery will be sent with significant redactions of personal  
15 identifiable information. Those redactions are still being completed.

16 2. Counsel for the defendant needs additional time to conduct investigation in this  
17 case in order to determine whether there are any pretrial issues that must be litigated and  
18 whether the case will ultimately go to trial or will be resolved through negotiations.

19 3. The defendant is incarcerated and does not object to the continuance.

20 4. The parties agree to the continuance.

21 5. The additional time requested herein is not sought for purposes of delay, but  
22 merely to allow counsel for defendant sufficient time within which to be able to effectively and  
23 complete investigation of the discovery materials provided.

24 6. Additionally, denial of this request for continuance could result in a miscarriage  
25 of justice. The additional time requested by this Stipulation is excludable in computing the time  
26 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United

1 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,  
2 Section 3161(h)(7)(B)(i), (iv).

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the  
5 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
6 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
8 account the exercise of due diligence.

9 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
10 United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18,  
11 United States Code, § 3161(h)(7)(B)(i), (iv).


12 **ORDER**

13 IT IS THEREFORE ORDERED that the parties herein shall have to and including  
14 March 28, 2024 to file any and all pretrial motions and notice of defense.

15 IT IS FURTHER ORDERED that the parties shall have to and including April 11, 2024  
16 to file any and all responses.

17 IT IS FURTHER ORDERED that the parties shall have to and including April 18, 2024  
18 to file any and all replies.

19 DATED this 28th day of February, 2024.

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21 \_\_\_\_\_  
22 UNITED STATES DISTRICT JUDGE  
23  
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